

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF THOMAS E. ) APPEAL NO. 07-A-2128  
FISHER from the decision of the Board of Equalization ) FINAL DECISION  
of Ada County for tax year 2007. ) AND ORDER  
)

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing Tuesday, September 18, 2007, in Boise, Idaho, before Hearing Officer Sandra Tatom. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellant Thomas E. Fisher did not appear at the hearing. Chief Deputy Assessor Tim Tallman and Appraiser Diana Kelly appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. R9227660085.

**The issue on appeal is the market value of residential property.**

**The decision of the Ada County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$135,000, and the improvements' valuation is \$134,600, totaling \$269,600. Appellant requests the land value be reduced to \$85,320, and the improvements' value remain unchanged, for a total of \$219,920. Subject was purchased March, 2006 for \$280,000.

The scheduled hearing for this appeal was held on September 18, 2007 and when the Appellant did not appear the County presented their case. The decision is based on the hearing and record before the Board.

Subject residence is a 1,767 square foot, three bedroom, 2 bath residence located on a .27 acre lot in north east Boise.

The residence was built in 1961 and the Appellant believes the Assessor is comparing

subject to the '\$1,000,000 residences currently being built. The value of subject is 74% greater than last year's value. Appellant believes the assessor confused subject with more expensive property. Although subject lot is smaller than neighboring lots, it is valued the same. The view and consequent value are 'impaired' by new construction and the Appellant believes the value should remain the same as the previous year.

The County presented an Exhibit (Respondent Exhibit 1) which included information on subject. Three comparable sales were presented. After adjustments, the sales indicated values for subject of \$254,310, \$281,500 and \$312,915, and subject was valued for \$269,600. One of the comparable lots was similar in size to subject and sold for \$217,500 in 2006. Five other lots were compared to subject but were larger in size. These lots sold for between \$237,500 and \$253,600 in 2006. Two other comparable sales were in 2007 and not considered.

#### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho law requires all property not expressly exempt be assessed at market value. See Idaho Code §§ 63-201(24), 63-203, 63-205(1), 63-208(1), 63-301, and 63-314. Recognized valuation methods for estimating market value include the cost, income, and sales comparison techniques. Market value is defined in Idaho Code § 63-201(10) as follows:

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash

payment.

The Respondent has presented comparable sales to sustain the market value of subject. This information disagrees with Appellant's claim that the Assessor was using \$1,000,000 residences to value subject.

The Idaho Supreme Court opined in *Brammer V. Latah County Assessor*, 102 Idaho 437 at 438 (1981), with reference to the Court's previous decision *Justus (Justus V. State Board of Equalization*, 101 Idaho 743, 620 P.2d 777 (1980)), that "absolute uniformity in property taxation is an unobtainable goal, a presumption of constitutionality attaches to taxing decisions, and that the objecting party carries the burden of overcoming the presumption."

The Board does not find the Appellant has supported the requested value, therefore the Board affirms the decision of the Ada County Board of Equalization.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED NOVEMBER 20, 2007